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17 Attorneys for Plaintiff
18 MICHAEL GIOSSO

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 MICHAEL GIOSSO,

22 Plaintiff,

23 vs.

24 OWENS CORNING, and DOES 1 through
25 50, Inclusive,

26 Defendants.
27
28

CASE NO. 3:09-CV-05834-CRB

E-FILING

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING THE DEADLINE TO
COMPLETE MEDIATION, AND
CONTINUING THE CASE MANAGEMENT
CONFERENCE
[Civil L.R. 6-2]**

1 Plaintiff Michael Giosso (“Plaintiff”) and Defendant Owens Corning Corporation
2 (“Owens Corning”), by and through their respective counsel, enter into the following Stipulation:

3 WHEREAS, at the Initial Case Management Conference held on March 26, 2010, the
4 Court ordered that a Further Case Management Conference be held on September 24, 2010 at
5 8:30 a.m.;

6 WHEREAS, the Court also ordered that mediation be completed before the September 24,
7 2010 Further Case Management Conference;

8 WHEREAS, on August 17, 2010, Owens Corning submitted a request to Magistrate Judge
9 Elizabeth D. Laporte, pursuant to ADR Local Rule 6-10, that its representative, James Gibb, be
10 allowed to participate by telephone in the mediation tentatively set for September 17, 2010;

11 WHEREAS, Plaintiff did not oppose Owens Corning’s request within the time period
12 specified in ADR Local Rule 6-10(e), or at any time;

13 WHEREAS, on September 7, 2010, Magistrate Judge Laporte issued an order denying
14 Owens Corning’s request that Mr. Gibb be allowed to participate telephonically in the mediation;

15 WHEREAS, Magistrate Judge Laporte’s September 7 order “strongly encourage[d] the
16 parties to seek a date on which the key decision makers are available, even if it means seeking an
17 extension of the deadline to complete the mediation;”

18 WHEREAS, by the time Magistrate Judge Laporte issued the order on September 7, there
19 were no dates before September 24, 2010 that all parties and the mediator were available to
20 mediate this case; and

21 WHEREAS, the parties have cooperated in rescheduling the mediation as suggested by
22 Judge Laporte and have scheduled the mediation on October 13, 2010 at 10:00 a.m. before
23 Michael Timpane of JAMS.

24 NOW, THEREFORE, THE PARTIES HEREBY AGREE AND STIPULATE that the
25 deadline to complete mediation is extended to and including October 13, 2010, and that the
26 Further Case Management Conference is continued to a date after October 13, 2010 that is
27 convenient to the Court, other than a date during the week of October 18.

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1 IT IS SO STIPULATED.

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4 Dated: September 10, 2010

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY, L.L.P.

5 By: /s/ Robert J. Guite
6 Robert J. Guite

7 Attorneys for Defendant
OWENS CORNING CORPORATION

8 Dated: September 10, 2010

RUEB, MOTTA & MANUOKIAN

9
10 By: /s/ Joseph A. Motta
Joseph A. Motta

11 Attorneys for Plaintiff
12 MICHAEL GIOSSO

13 PURSUANT TO THE PARTIES' STIPULATION AND GOOD CAUSE SHOWN, IT IS
14 HEREBY ORDERED that the deadline to complete mediation is extended to and including
15 October 15, 2010, and that the Further Case Management Conference is continued to
16 _____ October 22 __, 2010 at 8:30 a.m.

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19 Dated: Sept. 10, 2010

20 HONORABLE CHARLES R. BREYER
21 UNITED STATES DISTRICT COURT

